

WEATHER: Rain Saturday and Sunday fresh to brisk northeast winds.

The Pensacola Journal.

THE Latest Foreign and Domestic News Daily by The Associated Press

VOL. VIII.

PENSACOLA, FLORIDA, SATURDAY MORNING, FEBRUARY 4, 1905.

NO 30

SWAYNE MAKES FORMAL RESPONSE TO CHARGES

Admits Fact in Each of the Articles of Impeachment But Contends that Even if Charges are True they Are Not Sufficient to Justify Proceedings.

HOUSE TO FILE REPLY BY MONDAY

And All the Pleadings Must be in by Feb. 9--Trial Begins Feb. 10.

JUDGE ADMITS RECEIVING \$10 PER DAY EXPENSES BUT SAYS IT WAS NEITHER AGAINST LAW OR CUSTOM--ACTED FROM A SENSE OF DUTY IN COMMITMENTS FOR CONTEMPT OF COURT.

Washington, Feb. 3.—Through his counsel Judge Swayne today made formal responses in the senate to the articles of impeachment presented by the House of Representatives. The answer was a formidable document in point of size and each of the twelve articles of impeachment was answered at length.

In every case the fact charged was admitted but explained from Judge Swayne's point of view and in addition it was contended that even if the charges were true they were not of a character to justify proceedings for impeachment for "high crimes and misdemeanors."

The answer was read by Ex-Senator Thurston and when he had concluded the senate issued an order requiring the house to file its formal reply by next Monday and directed that all pleadings shall be in by the ninth so that the trial may proceed on February 10.

As to the charge of receiving ten dollars per day for expenses while holding court in Texas when the judge's expenses were not so great, he admitted the receipt of the money as charged but denied that his conduct in this respect was contrary to law. Judge Swayne said that other judges generally have drawn the full amount of \$10 per day and that up to the beginning of the present proceedings he had received no intimation from the auditing officer of the treasury department or from any others that his course was contrary to law or custom. He declared no expense was incurred by railroad companies by his use of a private car.

He declared that he resided in his district in Florida, and said he acted from a sense of duty in each case where he ordered a commitment of men for contempt of court.

FOUND DEAD IN SLEIGH

PLAINFIELD, N. J., AROUSED OVER MYSTERIOUS MURDER OF YOUNG GROCER.

Plainfield, N. J., Feb. 3.—This vicinity today is being hunted over by a posse in an attempt to find the murderer of George Williams, a young grocer in the village of Watchung, who was found shot dead in his sleigh on the road yesterday. Williams had started out to drive a well-dressed stranger to Warrenville and that was the last seen of him until he was found dead. The stranger has disappeared and no motive for the crime can be learned.

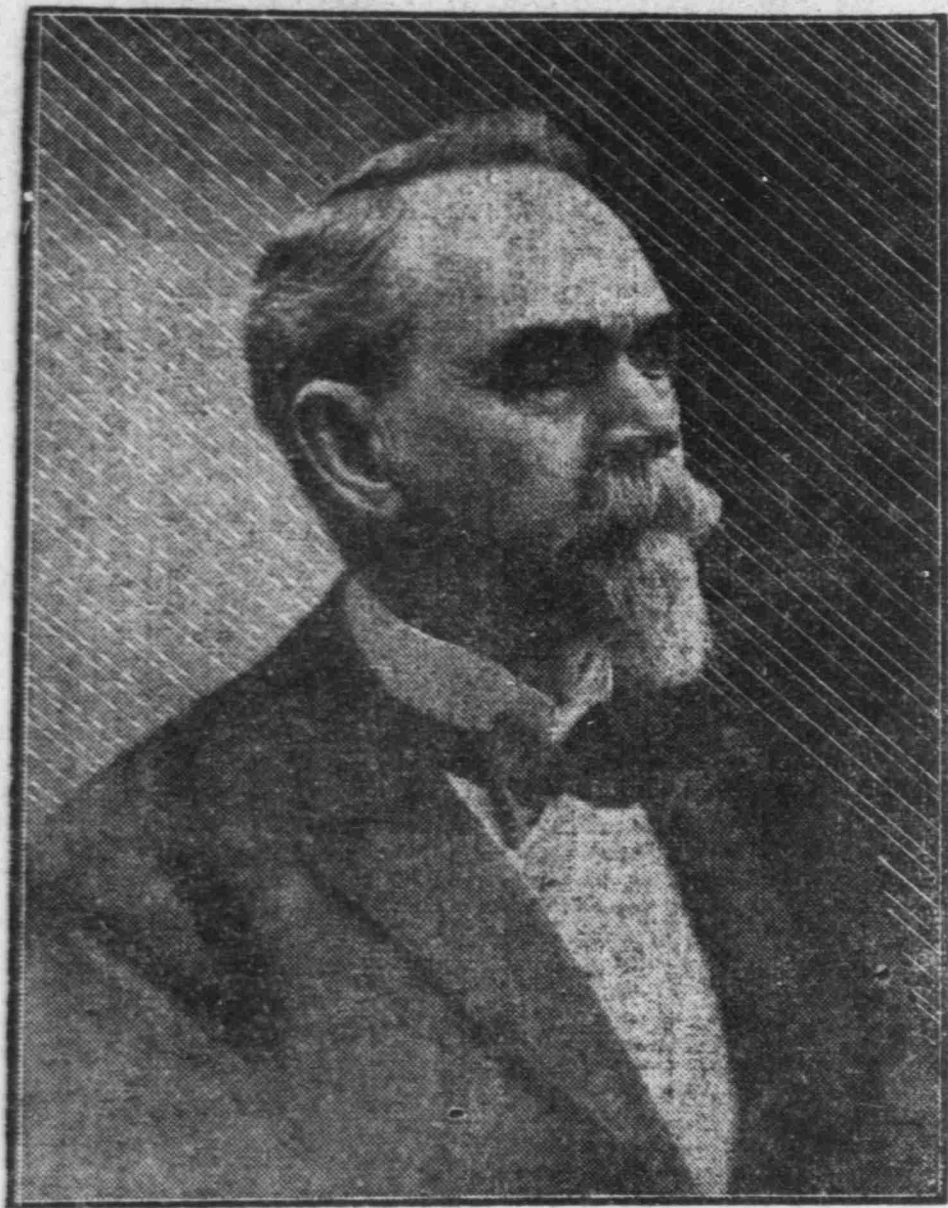
ASSAULTED BY STATE SENATOR

CALIFORNIA POLITICIAN ACCUSED OF BRIBERY, VICIOUSLY ATTACKED DETECTIVE.

Sacramento, Feb. 3.—State Senator Paul French, who stands accused of bribing three of his colleagues of bribery, made an assault on Detective George N. Tichenor, employed by the prosecution. French accused Tichenor of the upper floor of the capitol building and without a word, rushed at the detective and sent him reeling with a blow over the right eye. By strikers interfered at this juncture and prevented further trouble.

GERMAN PRINCE OUT OF DANGER

Potsdam, Feb. 3.—Prince Eitel Friedrich has progressed so far toward recovery that the physicians announce that he will only issue bulletins every week hereafter.



JUDGE CHARLES SWAYNE

Of the Northern District of Florida, who yesterday made formal answer to the impeachment proceedings instituted by the House of Representatives.

"Pal" of Car Barn Bandits Under Arrest in St. Louis

St. Louis, Feb. 3.—Andrew Kurowski, for whose arrest a reward of \$500 was offered some weeks ago in Chicago, is in custody here and has made a confession that he is a "pal" of Marks and Van Dine, the Chicago barn bandits, who were hanged last year.

"I came to St. Louis," he said, "to plunder and rob. I would have started out Wednesday night, but I was too sleepy. I have shot fifteen men, some fatally. I have been in the reformatory at Pontiac, Ill., twice—once for robbery and assault to kill and once

for a street hold-up in Chicago. Marks and Van Dine were pals of mine. I knew them for three years. I have been a bandit ever since I was ten years old. I must have been born one. When I came to St. Louis Wednesday morning from Memphis, where I kept the police in hot water for three months, I planted \$1000 worth of booty."

The police learned that Kurowski was coming to St. Louis from the Chicago detectives, who evidently intercepted a letter written by Kurowski while he was in Memphis.

Six Buildings Destroyed By Fire in East St. Louis

East St. Louis, Ill., Feb. 3.—Six of the largest office and store buildings were destroyed or badly damaged by fire early today and several persons were injured. The property loss is estimated at \$265,000 partially covered by insurance.

Several persons were reported injured. Street car traffic was completely tied up and the telephone service in the district was badly crippled.

All the available fire apparatus in the city was called out and finally a call for assistance was sent to St.

Louis. The intense cold greatly retarded the effective fighting of the flames.

The fire is said to have started in the Josephine building, which was destroyed. The Josephine building was used for lodge headquarters, offices and retail stores, and was erected at a cost of \$100,000.

The buildings destroyed were among the new and most costly in the city. A number of families who occupied flats in the upper floors of the Lucy Building were driven out into the frigid weather.

Recent Advance Meant Millions to the Planters

Brownwood, Tex., Feb. 3.—In a signed statement issued by C. H. Jenkins of the executive committee of the Southern Cotton Growers' Association it is asserted that the recent advance in cotton of \$2.50 per bale means \$10,000,000 to cotton growers on the present crop of the south. He urges farmers to continue their present tactics and there will be a still greater gain of \$40,000,000 on the present crop and a gain of \$125,000,000 on next year's crop.

ALABAMA MAN BADLY FROZEN

FOUND IN BUGGY COVERED WITH TWO INCHES OF SLEET. CANNOT LIVE THROUGH THE NIGHT.

Gadsden, Ala., Feb. 3.—Tate Condon, a well known man about Gadsden, was found in a buggy here today covered with two inches of sleet. He was so badly frozen that physicians say he will not live through the night.

SOUTHERN DENTISTS ARE TO MEET AND ORGANIZE.

Atlanta, Feb. 3.—Southern dentists are to meet here February 16 to organize a permanent southern dental society. Invitations to attend have been sent to 7,000 southern dentists.

DISCUSS BASIS FOR SETTLEMENT

DIFFERENCES BETWEEN UNITED STATES AND COLOMBIA MAY BE SETTLED AMICABLY.

New York, Feb. 3.—A basis is being discussed, according to a Herald dispatch from Bogota, upon which to place a friendly arrangement regarding pending questions between the United States and Colombia.

In order to balance the budget and avoid a new paper issue it has been decided to increase the importation customs duties by 70 per cent above the present tariff. The custom house classifications of 1886 have been adopted except for such articles of merchandise as would tend to favor the development of national industries. The increase is to become effective immediately.

GORKY AND ASSOCIATES WILL BE HELD FOR TRIAL

Whole Case Now in the Hands of the Ministry of Justice Which is Conducting the Investigation.

VOLLEY FIRED AT THE RIOTERS

In City of Lodz, Killing Two and Wounding Two Others.

MOB AT RODOGOSZ KILLED ONE OFFICER AND TWO SOLDIERS—WORKMEN IN 42 SUGAR FACTORIES AND SOSNOVICE IRON WORKS HAVE GONE ON STRIKE.

St. Petersburg, Feb. 3.—It is the intention of the government to bring Maxim Gorky and seven other authors and publishers to trial on political charges. Governor General Trepoff said to a correspondent of the Associated Press Friday afternoon that the whole case was now in the hands of the ministry of justice, which is conducting the investigation, at the conclusion of which the procurator general will decide whether the prisoners will be tried by a civil or military court.

The governor general denied very strenuously a story which has been spread broadcast that he had ordered Gorky court-martialed. He characterized the story as a "base falsehood invented by persons ignorant of Russian conditions."

Volley Fired at Crowd.

Warsaw, Feb. 3.—Later reports from Lodz say the disturbance there ended quickly. The military fired one volley killing two and wounding two others, when the rioters fled. The crowd of about 1,000 persons fled.

There is a report from Rodogosz that a mob there killed one officer and two soldiers. A general strike has commenced at Babienica.

Workmen in all the sugar factories of Poland, which number 42, have gone on strike. These factories have hitherto been working night and day to supply the troops in Manchuria. Employees of the iron works at Sosnowice struck today.

Gorky Still in Prison.

St. Petersburg, Feb. 3.—The report of Maxim Gorky's release is incorrect. There is a number with Gorky who will be released and the rest will probably be held for trial.

Will Receive Deputation.

London, Feb. 3.—Dispatches from St. Petersburg say that Emperor Nicholas has decided to receive a deputation of workmen from the government printing works.

To Maintain Neutrality.

Paris, Feb. 3.—Official dispatches from Manila say an American squadron composed of fifteen warships, sailed today from Luzon for southern waters of the Archipelago to maintain neutrality in American waters, both as to the Russian and Japanese fleets.

POISON IN TOMATOES

Whole Family Attacked After Eating Canned Vegetable.

MOTHER IS DEAD.

FATHER AND THREE CHILDREN MADE SERIOUSLY ILL BUT ALL HAVE RECOVERED WITH EXCEPTION OF ELDEST DAUGHTER.

Chicago, Feb. 3.—One death and four cases of illness have been caused by supposed tomatoes in canned tomatoes. All the sufferers are members of one family. Medical attendance hastily given by residents of Hull House, the social settlement, who had hurried to the residence, undoubtedly avoided other deaths. The dead: Mrs. Kate Walther, 50 years old, died in Hull House apartments.

The sick: Gertrude Walther, aged 18, is serious condition. Laurel Walther, aged 7. Raymond Walther, aged 9. Thos. J. Walther, father. With the exception of the eldest girl all the children quickly recovered. The father was only slightly affected.

HEAVY SLEET AND SNOW IN THE CENTRAL SOUTH

Storm Area Extends as Far South as Central Texas--Arkansas Fruit Crop Said to be Badly Damaged.

Memphis, Feb. 3.—A heavy blanket of sleet and snow is spread over the central south to-night, railroad traffic has been considerably impaired and all trains are reported several hours behind time. The thermometer registered seven degrees above zero at Little Rock and reports state that the Arkansas fruit crop has been severely damaged. Last night's storm of sleet and snow, which covered this city to a depth of six inches, was prevalent over the states of Tennessee, Arkansas, Mississippi, northern Louisiana, parts of Indian Territory and northern and central Texas.

Sleet in Atlanta. Atlanta, Feb. 3.—This city and the immediate surrounding territory is

covered with a thin coat of sleet to-night. No serious damage has been reported.

Thirty Below in Wisconsin. La Crosse, Wis., Feb. 3.—Yesterday's record breaking temperature was exceeded to-day. Instead of a rise in the thermometer, there was a further decline. The temperature at the two local stations were 32 below at the river station, a fall of two degrees, and 24 at the federal building, a fall of one degree. Local thermometers generally registered in the neighborhood of 30.

At Milwaukee. Milwaukee, Feb. 3.—The thermometer registered 8 below this morning. In the extreme northwest it is still very cold.

Shackling of Jefferson Davis Explained by Miles

Boston, Feb. 3.—For the first time in 40 years Lieutenant General Nelson A. Miles, now acting inspector general on the staff of Governor Douglass, has broken silence on the circumstances surrounding the imprisonment in irons of President Jefferson Davis of the Confederate states. "Jefferson Davis did not surrender when Richmond was captured," said General Miles. "He did not surrender with Lee and Johnson, but it was his intention, and he admits it in his own book, 'The Rise and Fall of the Confederacy,' to try and escape across the Mississippi so that he could join the Confederate army in that section, and continue the war."

"He was sent to Fortress Monroe to await trial for complicity in the assassination of Mr. Lincoln. On May 22, 1865, C. A. Dana, assistant secretary of war, authorized and directed

me in a special order to place manacles and fetters upon the hands and feet of Jefferson Davis and Clement C. Clay whenever it might be thought advisable in order to render their imprisonment more secure. Light anklets were placed on Davis. He knocked over a strong man who was helping to do it. The anklets were kept on five days only, while a wooden door was being removed and an iron grating substituted.

"The anklets gave Davis no pain and did not prevent him from walking. Mr. Davis at the time was 58 years old, strong and agile. Letters to me from Mrs. Davis and Mrs. Clay prove that I treated Mr. Davis with all the kindness that could be shown him under the circumstances. Statements that he was maltreated or his health impaired as a result of his imprisonment are utterly untrue."

Powers of the Commission Extended to Rate Making

Washington, Feb. 3.—Republicans of the house in caucus this afternoon adopted, as a party measure, the bill extending rate-making powers to the Interstate Commerce Commission. The bill is known as the Esch-Townsend measure. The conference instructed the house committee on rules to bring in a rule providing for consideration

of the measure beginning Tuesday morning at 11 o'clock and continuing until 4 o'clock Wednesday afternoon, when a vote shall be taken. No amendments will be allowed to the bill although the first vote is to be taken on the Dacey bill as a democratic substitute for legislation on the railway subject.

Books of County Treasurer Burned at Jasper, Ala.

Jasper, Ala., Feb. 3.—A sensation has been caused in Walker county by the burning of the cash books of the retiring county treasurer, E. W. Miller. The books were discovered in

a charred condition in a grate of a drug store. Mr. Miller denies all knowledge of the cremation. The state auditor was asked to come to Jasper and adjust the matter before the new treasurer, H. S. Moore, takes charge.

SANTA FE ROAD IS IN TROUBLE

FOUND GUILTY OF FLAGRANT AND CONTINUOUS VIOLATION OF LAW DURING PAST 5 YEARS.

Washington, Feb. 3.—The Interstate Commerce Commission today rendered a decision in the case against the Atchison & Santa Fe railroad for alleged unlawful rates and practices. The decision declared the road guilty of "flagrant, willful and continuous violations of law during the past five years." The decision also involves the Colorado Fuel and Iron Company.

LEFT BABY BOY AT BISHOP'S DOOR

Jackson, Miss., Feb. 3.—A white baby boy about one month old and in a very weakened condition, was discovered on the front door steps of Bishop Charles B. Galloway's residence this morning. The parents of the child are unknown.

LAST WIDOW OF THE REVOLUTION

BILL PASSED TO PLACE NAME OF ESTHER DAMON ON PENSION ROLL.

Washington, Feb. 3.—Senator Dillingham today introduced a bill directing that the name of Esther Damon, widow of Noah Damon, of the Massachusetts troops in the revolutionary war, be placed on the pension roll at the rate of \$24 per month. The senator stated that Mrs. Damon is the last surviving widow of the revolutionary war.

That Road to Key West.

Mr. Henry M. Flagler, Mr. J. R. Parrott, Mr. W. H. Keenan and Mr. E. J. Trlay are now inspecting the route which is being surveyed over the keys for the railroad to Key West.

If Mr. Flagler shall build this road, and if left to a vote of the people of Florida, we predict that they will be more than willing to give him a fee simple deed to all the Everglades and a big bonus besides. It is a great piece of engineering work—bigger indeed than the Colossus of Rhodes, many times over.—Ocala Beacon.

CONCEALED BATTERIES

Caused Great Loss to Russians in the Battle of Sandapu.

RUSSIAN ATTEMPT TO TURN GENERAL OKU'S LEFT FLANK A COMPLETE FAILURE—FIVE DIVISIONS DRIVEN BACK BY TWO DIVISIONS OF JAPS AT HEIKOUTAI.

Tokio, Feb. 3.—Manchurian headquarters, telegraphing under date of February 2, says: The Russians resumed activity to-day in front of the Japanese left. There has been continuous skirmishing along the fronts of both opposing forces and an exchange of heavy artillery fire is taking place.

The charge is again made that Russians mutilate Japanese dead.

Japanese are Trick.

Mukden, Feb. 31, via Tientsin, Feb. 3.—(Delayed in Transmission.)—All the natives of Hoinai and Fuchuan, who were let through the lines during the Russian occupation, arrived at Mukden on January 31, except a few who were killed in battle. The impression is general among the Russian troops on the right flank that either General Nodan or General Nogi was present at Sandapu, where the Russians ascribe their greatest losses to cleverly constructed batteries behind the main works. The Japanese withdrew from their outposts at Sandapu, when at one time the Russians occupied.

General Mistechnko was still advancing, carrying out a flanking movement, intending to cut the railway north of Liao Yang, and was taking outpost after outpost with prisoners, when the order to retire came.

Although entrenched, the infantry more than successfully combatted the cavalry, as they did heretofore.

Russians Failed Completely.

General Oku's headquarters, Jan. 30, noon, via Tientsin, Feb. 3.—The Russian attempt to turn General Oku's left flank has proved a complete failure. Following on the failure of the recent cavalry raid down the railway, this, it is thought by the Japanese, will probably induce the Russians to await in the future the Japanese attacks. The attempt even with the bombardment of other portions of the line or a cavalry movement around the flank, was doomed to failure from the start. The Japanese were at Heikoutai, but withdrew its small forces from there and allowed the Russians to occupy the positions until they could move over enough men to make its recapture certain.

The re-occupation of this position was easily accomplished, although the loss was heavy. The casualties have not yet been reported, but it is believed that they will amount to fully three thousand.

The Russians had five divisions engaged at Heikoutai and in that direction. They were driven back by less than two Japanese divisions.

Over one hundred thousand men were engaged in the Russian demonstration against the Japanese positions immediately east of Heikoutai, a force strong enough to have been successful, as only about one division was sent against them. The Russian loss is estimated at over four thousand, although prisoners say that one regiment was practically annihilated. The Japanese loss is placed at 200, due to the fact that they remained in their trenches, while the Russians were forced to cross open ground, solidly frozen, where the construction of shallow trenches was impossible. The ground being covered with snow was naturally a great disadvantage to the attacking force, as it was plainly visible against the whole background for a long distance. The Japanese suffered the same disadvantages in the recapture of Heikoutai. The weather was very cold during the fighting, the minimum being 6 degrees below zero and the maximum 14 degrees above zero. The Russians did not retreat north, but retired well out of range, with no sign of further activity. During the fighting the left wing of the Japanese was heavily bombarded from the Russian positions along the whole front. The Japanese made only a feeble reply.

The Second Squadron.

Jibuti, French Somaliland, Feb. 3.—The division of the second Russian Pacific squadron, commanded by Rear Admiral Botrovsky, consisting of four cruisers and three torpedo boat destroyers, sailed from here yesterday to join the warships commanded by Vice Admiral Rojdestvensky of the island of Madagascar.